

REMARKS

Claims 36 and 37 currently stand rejected. Claims 1-20, 22-26, and 33-34 were previously canceled. Claims 28-29, 32 and 36-37 have been canceled herein. Claims 38-42 were previously presented and not entered. Claims 43-47 are newly added. Thus, upon entry of the present amendments, claims 21, 27, 30-31, 35, and 43-47 constitute the pending claims in the present application.

Interview Summary and Advisory Action: Applicants appreciate the time and attention of Examiner Habte during the telephonic interview of December 31, 2007. During the interview Applicants brought to the Examiner's attention that the Advisory Action dated December 12, 2007 refused entry of Applicants' amendments because it incorrectly indicated that Applicants' November 27, 2007 Reply to Final Office Action cancelled two claims and added five claims. Applicants showed that the November 27, 2007 Reply indeed cancelled five claims and added five claims, and the Examiner acknowledged the error in the Advisory Action. Accordingly, the Examiner instructed Applicants to re-file the same amendments along with this explanation, and he would allow the case. With this Reply Applicants are complying with the Examiner's instructions.

Amendments and New Claims: Claims 38-42 were presented with Applicants' First Reply to Final Office Action mailed November 27, 2007 but were not entered. In the present claim set, Applicants list these claims as "not entered" in accordance with MPEP 714(II)(C)(A) and 37 C.F.R. 1.126. New claims 43-47 correspond to not entered claims 38-42, respectively.

The following amendments correspond to those made in Applicants' November 27, 2007 Reply to Final Office Action. Claim 21 has been amended and divided into two separate independent claims. Amended claim 21 now includes the subject matter falling within the first proviso (regarding variables R_1 and R_2) of unamended claim 21, and new claim 43 includes subject matter falling within the second proviso (regarding variable A) of unamended claim 21. Applicants assert that amended claim 21 and new claim 43 improve clarity without adding new subject matter and that since the subject matter of unamended claim 21 has been examined and found to be allowable, a similar finding is appropriate for amended claim 21 and claim 43. Claims 28-29 and 32 have been cancelled and renumbered as claims 44-46 so as to follow

independent claim 43 from which they depend. Claims 36-37 have been canceled solely to expedite prosecution. Claim 47 has been added and is directed to pharmaceutical compositions of the compounds of new claim 43. New claim 47 includes compositions removed from the scope of claim 35 due to the amendment of compound claim 21. As claim 35 was previously examined and found allowable, Applicants assert that a similar finding for claim 47 is proper.

The present amendments and new claims do not add subject matter. Additionally, as five claims are newly added (claims 43-47) and five claims have been presently cancelled (claims 28-29, 32, and 36-37), **the number of claims added is not greater than the number cancelled.**

Applicants respectfully request reconsideration of the previous rejections in view of the foregoing amendments and following remarks. Issues raised by the Office will be addressed below in the order in which they appear in the prior Office Action.

Withdrawal of Rejection Based on 35 U.S.C. 112: Applicants acknowledge with appreciation the withdrawal of the rejection of claims 35 and 36, and objection to parts of the specification for being indefinite.

Rejection Based on 35 U.S.C. 112: Claims 36-37 stand rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement. Applicants traverse this rejection to the extent that it is maintained over the claims as amended.

The Office has maintained the rejection of claim 36 as failing to comply with the enablement requirement. The Office has also rejected claim 37 as failing to comply with the enablement requirement. As noted above, solely to advance prosecution, Applicants have canceled claims 36-37. Applicants reserve the right to pursue the subject matter of these cancelled claims in one or more divisional and/or continuation applications. Applicants submit that these amendments obviate the Examiner's enablement rejection and respectfully request withdrawal.


Allowed Claims: Applicants note with appreciation that claims 21, 27-32 and 35 are in condition for allowance. Applicants assert that the present amendments and newly added claims should not in any way affect the Office's prior conclusion of allowability.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 212.596.9000. Should an extension of time beyond the above-requested one-month extension be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to Deposit Account No. 06-1075, under Order No. 004049-0022-102 from which the undersigned is authorized to draw.

Dated: January 4, 2008

Respectfully submitted,

By 

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